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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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09/954,606

09/10/2001

Robert Seseck

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8271

7590

09/21/2005

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

THEIN, MARIA TERESA T

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/954,606

Applicant(s)

SESEK, ROBERT

Examiner

Marissa Thein

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 5, 2005 has been entered.

Response to Amendment

Applicant's "Request for Continued Examination" and "Response to the Office Action mailed on May 5, 2005" has been considered with the following effect.

Applicant's response by virtue of amending claims 1-5 and 7-9 has overcome the Examiner's rejection of such claim under 35 USC 101.

Claim 6 is cancelled. Claims 1, 10, 17-18 are amended. Claims 1-5 and 7-23 remain pending in this application.

Response to Arguments

Applicant's arguments with respect to claims 1-5 and 7-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claims 13-14 are objected to because of the following informalities:

The status of the claims are "(currently amended)" which should be --(original)--.

Claims 20 and 23 are objected to because of the following informalities:

The status of the claims are "(currently amended)" which should be --(previously presented)--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5 and 7-23 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,304,856 to Soga et al.

Regarding claims 1, 10, and 17, Soga discloses a computerized method, product, and system comprising: receiving an order to deliver a good and payment data identifying an account (col. 5, lines 28-30; col. 11, lines 1-5; col. 16, lines 20-40); generating a ticket (electronic tag attached to freight) containing electronically readable information representing the payment data (col. 7, lines 42-46; col. 13, lines 12-30; col. 14, lines 18-24); delivering the ticket with the ordered good (col. 24, lines 12-29); upon or following deliver of the good (col. 24, line 9; col. 24, lines 12-14); electronically reading the ticket with a delivery device (portable terminal) (col. 24, lines 8, lines 40-67; col. 24, lines 12-29); the delivery device generating a delivery record at least indirectly indicating that he good has been delivered (col. 24, lines 12-59); and electronically triggering payment form the account utilizing he payment information obtained from the reading the ticket (col. 24, lines, 30-35).

Art Unit: 3627

Regarding claims 2-5 and 11-12, Soga discloses the payment data includes authorization to charge the account and the act of electronically requesting payment comprises electronically charging the account; electronically placing a hold on the account for a purchase price of the good following receipt of the order; wherein the payment data includes authorization to draw funds on the account and the act of electronically requesting payment comprises electronically drawing funds on the account; and authorizing release of the good only if the request for payment is approved (col. 11, lines 1-5; col. 16, lines 20-40; col. 24, lines 12-50; col. 29, lines 11-16).

Regarding claims 7-9, 13-16, 19-21, and 23, Soga discloses information representing buyer and goods data, and registering the good according to the buyer and goods data; a recipient's physical location to verify that the good has been delivered to a correct address; and electronically determining a delivery time and electronically calculating a purchase price according to the delivery time and wherein the act of electronically requesting payment comprise requesting payment in the amount of the calculated price (col. 13, lines 21-30; col. 13, lines 40-45; col. 15, lines 4-8; col. 16, lines 1-15; col. 17, lines 35-40; col. 24, lines 36-59; col. 29, lines 11-16).

Regarding claims 18 and 22, Soga discloses the reader operable to read the information from the ticket and the delivery device includes an interface operable to facilitate electronic communication between the delivery device and one or more other devices (col. 8, lines 40-67; col. 24, lines 12-50).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Application Publication No. 2002/0026413 to Wu discloses a mobile real-time data processing system for use during delivery of products.


U.S. Patent Application Publication No. 2003/0110138 to Van Do et al. discloses a mobile commerce receipt system providing a user of a mobile telecommunications terminal with a reliable electronic proof of reservation, purchase and or payment made.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 571-272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mtot
September 18, 2005


JAMES MCCLELLAN
PRIMARY EXAMINER